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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Kevin I. Bertness

Appln. No.: 09/993,468

Filed : November 14, 2001

For : KELVIN CONNECTOR FOR A
BATTERY POST

Docket No.: C382.12-0097

Group Art Unit: 2833

Examiner: James R.
Harvey

RESPONSE AFTER FINAL

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I HEREBY CERTIFY THAT THIS PAPER IS BEING
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19th DAY OF MARCH, 2004

A. Rego

PATENT ATTORNEY

Sir:

This is in response to the Office Action dated January 21, 2004. In the Office Action, all pending claims 1, 3, 4 and 9-13 were rejected. Applicants respectfully request reconsideration and allowance of all pending claims.

On page 2 of the Office Action, claims 1 and 9 were rejected Under 35 U.S.C. §102(b) as being anticipated by Kimber, U.S. Patent No. 5,108,302. Further, on page 3 of the Office Action, claims 1, 3, 4 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Trafton, U.S. Patent No. 5,865,638. Also, on page 4 of the Office Action, claims 11-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Trafton.

Claim 1 includes "a first contact . . . a second contact . . . and an electrical insulator between the first contact and the second contact to align the surface of the first contact and the surface of the second contact against the surface of the post and thereby form a Kelvin connection to the post, wherein the first

contact, the second contact and the insulator form a loop that surrounds the battery post." (Emphasis Added). The Office Action states that figure 6 of Kimber shows these elements. However, the pointed out figure shows a terminal connector 10, in the form of an open-ended "C," which does not surround a battery post. Applicants respectfully point out that "surround" is defined as "to extend on all sides of simultaneously, or to encircle." (See attached definition from the American Heritage Dictionary, copyright @ 1992). Clearly, the C-shaped arrangement of Kimber does not satisfy this definition. Furthermore, terminal connector 10 of Kimber includes a "C-shaped" washer 31 sandwiched between C-shaped portions of a base plate 19 and an upper plate 20. (See column 1, lines 60-65, and column 3, lines 25-32). Washer 31 does not align a surface of base plate 19 and upper plate 20 against a surface of the battery post. Thus, the teachings of Kimber do not relate to "a first contact . . . a second contact . . . and an electrical insulator . . . to align the surface of the first contact and the surface of the second contact against the surface of the post and thereby form a Kelvin connection to the post, wherein the first contact, the second contact and the insulator form a loop that surrounds the battery post" as required by claim 1. Therefore, Kimber does not anticipate claim 1.

The Office Action also states that figure 3 and column 4, lines 62-67 of Trafton show the above-elements of claim 1. However, Trafton is directed to an electrical connector 10 that joins separate wire pairs. Electrical connector 10 of Trafton is not capable of engaging/surrounding a battery post. Specifically, first terminal 12 and second terminal 14, of electrical connector 10 of Trafton, are configured to couple to each other and do not connect to any post or battery terminal. On page 3 of the Office Action, the Examiner indicates that item 40 of Trafton is a battery post. However, item 40 is a fastener which attaches contact plate 30 to the face of terminal 14. (See column 4, lines

66-67 and column 5 line 1 of Trafton). Furthermore, Trafton does not show an insulator that aligns surfaces of terminals 12 and 14 against a battery post. Thus, Trafton clearly does not teach the above elements of claim 1 and therefore does not anticipate claim 1.

Applicants respectfully submit that the dependent claims are also allowable by virtue of their dependency, either directly or indirectly, from the allowable independent claims. Further, the dependent claims set forth numerous elements not shown or suggested in the references.

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of all pending claims. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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AGR:tkj



Mary Surratt
19th-century mezzotint

assets minus the sum of all liabilities. **b.** Excess of a corporation's net assets over the face value of its capital stock. **c.** Excess of receipts over expenditures. [Middle English, an excess, surplus, from Old French, an excess, from Medieval Latin *superplus*: Latin *super-*, *super-* + Latin *plus*, more; see *pelo-* in Appendix.]

sur-plus-age (sûr'plâ-sij) *n.* 1. Surplus; excess. 2. An excess of words; verbiage. 3. Law. Irrelevant matter in a pleading.

surplus value *n.* The difference between the value of the product produced by labor and the actual price of labor as paid out in wages in Marxian analysis of capitalism.

sur-print (sûr'print') *tr.v.* -print-ed, -print-ing, -prints. 1. To overprint. 2. To superimpose (a second negative) on a previously printed image of the first negative. — **sur'print'** *n.*

sur-pris-al (sar-prî'zâl) *n.* The act of surprising or the state of being surprised.

sur-prise also **sur-prize** (sar-prîz') — *tr.v.* -prised, -pris-ing, -pris-es also -prized, -priz-ing, -priz-es. 1. To encounter suddenly or unexpectedly; take or catch unawares. 2. To attack or capture suddenly and without warning. 3. To cause to feel wonder, astonishment, or amazement, as at something unanticipated. 4. **a.** To cause (someone) to do or say something unintended. **b.** To elicit or detect through surprise. — *n.* 1. The act of surprising or the condition of being surprised. 2. Something, such as an unexpected encounter, event, or gift, that surprises. [Middle English *surprise*, to overcome, from Old French *surprise*, feminine past participle of *surprendre*, to surprise: *sur-*, *sur-* + *prendre*, to take (from Latin *prehendere*, *prendere*, to seize; see *ghend-* in Appendix.)] — **sur-pris'er** *n.* — **sur-pris'ing** *adj.* — **sur-pris'ing-ly** *adv.*

SYNONYMS: surprise, astonish, amaze, astound, dumbfound, flabbergast. These verbs mean to affect a person strongly as being unexpected or unusual. To *surprise* is to fill with often sudden wonder or disbelief as being unanticipated or out of the ordinary: "Never tell people how to do things. Tell them what to do and they will surprise you with their ingenuity" (George S. Patton). *Astonish* suggests overwhelming surprise: The sight of such an enormous crowd astonished us. *Amaze* implies astonishment and often bewilderment: The violinist's virtuosity has amazed audiences all over the world. *Astound* connotes shock, as from something unprecedented in one's experience: We were astounded at the high cost of traveling in Japan. *Dumbfound* adds to *astound* the suggestion of perplexity and often wordlessness: His denial that he had witnessed the accident dumbfounded me. *Flabbergast* is used as a more colorful equivalent of *astound*, *astonish*, or *amaze*: "The aldermen ... were ... flabbergasted; they were speechless from bewilderment" (Benjamin Disraeli).

SURR. *abbr.* Surrender.

Sur-ratt (sa-rât'), Mary Eugenia Jenkins. 1820?–1865. American alleged conspirator in Abraham Lincoln's assassination. She was convicted as a conspirator and executed along with three others, although it now appears that she knew nothing about the plot to kill the President.

sur-re-al (sa-rê'al) *adj.* 1. Having qualities attributed to or associated with surrealism: "grim, surreal political critiques" (Lloyd Rose). 2. Having an oddly dreamlike quality. [Back-formation from SURREALISM.] — **sur-re'al-ly** *adv.*

sur-re-al-ism (sa-rê'al-iz'm) *n.* 1. A 20th-century literary and artistic movement that attempts to express the workings of the subconscious and is characterized by fantastic imagery and incongruous juxtaposition of subject matter. 2. Literature or art produced in this style. [French *surréalisme*: *sur-*, beyond (from Old French; see *SUR-*) + *réalisme*, realism (from *réalité*, reality, from Medieval Latin *realtàs*, from *realis*, real; see *REAL*).] — **sur-re'al-ist** *n.*

sur-re-al-is-tic (sa-rê'al-iz'tik) *adj.* 1. Of or relating to surrealism. 2. Having an oddly dreamlike or unreal quality. — **sur-re'al-is'ti-cal-ly** *adv.*

sur-re-but-ter (sûr'ri-bût'er) also **sur-re-but-tal** (-bût'l) *n.* Law. A plaintiff's reply to a defendant's rebuttal.

sur-re-join-der (sûr'ri-join'dar) *n.* Law. A plaintiff's reply to a defendant's rejoinder.

sur-ren-der (sa-rên'dar) *v.* -dered, -der-ing, -ders. — *tr.* 1. To relinquish possession or control of to another because of demand or compulsion. 2. To give up in favor of another. 3. To give up or give back (something that has been granted): *surrender a contractual right*. 4. To give up or abandon: *surrender all hope*. 5. To give over or resign (oneself) to something, as to an emotion: *surrendered himself to grief*. 6. Law. To restore (an estate, for example), especially to give up (a lease) before expiration of the term. — *intr.* To give oneself up, as to an enemy. — **surrender** *n.* *Abbr. surr.* 1. The act or an instance of surrendering. 2. Law. **a.** The delivery of a prisoner, fugitive from justice, or other principal in a suit into legal custody. 5. The act of surrendering or of being surrendered to. **b.** Restoration of an estate. [Middle English *surrenderen*, from Old French *surrendre*: *sur-*, *sur-* + *rendre*, to deliver; see *RENDER*.]

SYNONYMS: surrender, submission, capitulation. These nouns denote the act of giving up one's person, one's possessions, or people under one's command to the authority, power, or control of another. *Surrender* is the most general: "No terms except uncon-

ditional and immediate surrender can be accepted" (Ulysses S. Grant). *Submission* stresses the subordination of the side that has yielded: "Our cruel and unrelenting enemy leaves us only the choice of brave resistance, or the most abject submission" (George Washington). *Capitulation* implies surrender under specific prearranged conditions: Lack of food and ammunition forced the commander of the rebels to consider a capitulation. See also *Synonyms* at *relinquish*.

sur-rep-ti-tious (sûr'ap-tîsh'as) *adj.* 1. Obtained, done, or made by clandestine or stealthy means. 2. Acting with or marked by stealth. See *Synonyms* at *secret*. [Middle English, from Latin *surrepticius*, from *surreptus*, past participle of *surripere*, to take away secretly: *sub-*, secretly; see *SUB-* + *rapere*, to seize; see *rep-* in Appendix.] — **sur-rep-ti-tious-ly** *adv.* — **sur-rep-ti-tious-ness** *n.*

sur-rey (sûr'ê, sûr'ê) *n., pl. -reys.* A four-wheeled horse-drawn pleasure carriage having two or four seats. [Short for *Surrey cart*, after *Surrey*, a county of southeast England.]

Sur-rey (sûr'ê, sûr'ê). A historical region of southeast England. Dominated by Mercia and Wessex in Anglo-Saxon times, it was overrun by the Danes in the ninth century.

Surrey, Earl of. See *Henry Howard*.

sur-ro-ga-cy (sûr'a-gâ-sê, sûr'-) *n., pl. -cies.* 1. The condition of being a surrogate, especially a surrogate mother. 2. Law. The office of a surrogate.

sur-ro-gate (sûr'a-gît, -gât', sûr'-) *n.* 1. One that takes the place of another; a substitute. 2. **a.** A person or an animal that functions as a substitute for another, as in a social or family role. **b.** A surrogate mother. 3. *Psychology.* A figure of authority who takes the place of the father or mother in a person's unconscious or emotional life. 4. Law. A judge in New York and some other states having jurisdiction over the probate of wills and the settlement of estates. — **surrogate** *adj.* Substitute. — **surrogate** (-gât') *tr.v.* -gat-ed, -gat-ing, -gates. 1. To put in the place of another, especially as a successor; replace. 2. To appoint (another) as a replacement for oneself. [Middle English, from Latin *surrogatus*, past participle of *surrogare*, to substitute, variant of *subrogare*. See *SUBROGATE*.]

surrogate mother *n.* 1. A woman who is paid to bear a child for another woman, either through artificial insemination by the other woman's husband, or by carrying until birth the other woman's surgically implanted fertilized egg. 2. One that acts as, serves as, or is a mother substitute. — **surrogate motherhood** *n.*

sur-round (sa-round') *tr.v.* -round-ed, -round-ing, -rounds. 1. To extend on all sides of simultaneously; encircle. 2. To enclose or confine on all sides so as to bar escape or outside communication. — **surround** *n.* 1. Something, such as fencing or a border, that surrounds: a fireplace surround. 2. **a.** The area around a thing or place: inflammation extending to the surround of the eye. **b.** Surroundings; environment: "It was the country, the flat agricultural surround, that so ravished me" (Listener). 3. A method of hunting wild animals by surrounding them and driving them to a place from which they cannot escape. [Middle English *surrounden*, to inundate, from Old French *suronder*, from Late Latin *superundare*: Latin *super-*, *super-* + Latin *undare*, to rise in waves (from *unda*, wave; see *WED-* in Appendix).]

SYNONYMS: surround, circle, compass, encircle, encompass, environ, gird, girdle, ring. The central meaning shared by these verbs is "to lie around and bound on all sides": a city surrounded by suburbs; a crown circling a king's head; a mountain peak compassed by fog; a belt encircling her waist; a lake that encompasses an island; oases environed by the desert; a castle girded by a moat; gardens girdling a bird bath; a dinner table ringed with guests.

sur-round-ings (sa-round'dingz) *pl.n.* The external circumstances, conditions, and objects that affect existence and development; the environment.

sur-tax (sûr'tâks') *n.* 1. An additional tax. 2. A tax levied on corporations or individuals after net income has exceeded a certain level. — **surtax** *tr.v.* -taxed, -tax-ing, -tax-es. To levy a surtax on.

sur-ti-tle (sûr'tî'tl) *n.* See *supertitle*.

sur-veil (sâr-vâl') *tr.v.* -veiled, -veil-ing, -veils. Usage Problem. To keep under surveillance. [Back-formation from SURVEILLANCE.]

USAGE NOTE: *Surveil* has encountered the same kind of critical resistance that was once accorded to other back-formations such as *diagnose* and *donate*. It remains to be seen whether it too will eventually come to be regarded as useful and unexceptionable.

sur-veil-lance (sâr-vâ'lâns) *n.* 1. Close observation of a person or group, especially one under suspicion. 2. The act of observing or the condition of being observed.

sur-veil-lant (sâr-vâ'lânt) *adj.* Exercising surveillance. — **surveillant** *n.* One that exercises surveillance. [French, present participle of *surveiller*, to watch over: *sur-*, over (from Old French; see *SUR-*) + *veiller*, to watch (from Old French *veiller*, from Latin *vigilare*, from *vigil*, watchful; see *WED-* in Appendix).] — **surveillant** (*sâr-vâ'lânt*) *n.* One that examines or looks at in a comprehensive way. To surveil: "Two women were surveilled."



surrealism
The False Mirror,
1928, by René Magritte
The Museum of Modern Art,
New York. Purchase. Oil on
canvas, 21 1/4" x 31 1/4"



surveyor's level